IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO : 14880 of 2005

Between:

Kummari Narsimha S/o. K. Yellaiah
R/o. Torrur Village Hayathnagar Mandal
Ranga Reddy District.

..... PETITIONER

AND

1 The Chief Commissioner of Land Acquisition Govt. of A.P
Hyderabad.
2 The District Collector Ranga Reddy District
Saidabad, Hyderabad.
3 The Special Grade Deputy Collector and Revenue Divisional Officer
Ranga Reddy East Division.
4 The Mandal Revenue Officer
Hayathnagar Mandal Ranga Reddy District.
5 The Sarpanch
Torrur Village, Hayathnagar Mandal Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction more particularly one in the nature of writ of Mandamus, declaring the action of the 1st respondent in not considering the case of the petitioner for alienation of the Govt. land on payment of market value and not passing orders on the proposals submitted by the 2nd respondent in Lr.No.LC2/2738/2004, dated 28-7-2004 as arbitrary and unreasonable and consequently direct the 1st respondent to consider the case of the petitioner for alienation of the govt. land to an extent of Ac.0.11 gts, situated in Sy.No.383 of Torrur Village on payment of market value by considering the proposals of the District Collector, Ranga Reddy in Lr.No.LC2/2738/2004, dated 28-7-2004.

Counsel for the Petitioner:MR.G.TUHIN KUMAR

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

O R D E R:

This writ petition is filed seeking to declare the action of the first respondent in not considering the case of the petitioner for alienation of the Government land on payment of market value and not passing orders on the proposals submitted by the second respondent in Lr.No.LC2/2738/2004, dated 28-07-2004, as arbitrary and illegal, and consequently to direct the first respondent to consider the case of the petitioner for alienation of the government land to an extent of Ac.0-11gts situated in Sy.No.383 of Torrur Village by considering the proposals of the second respondent.

It is stated that the father of the petitioner was in peaceful possession and enjoyment of the land to an extent of Ac.06-02 ½ guntas in Sy.No.378 of Torrur Village and after his death, the petitioner has been in possession of the same for the last forty five years without any interruption, by raising several dry crops, by paying cist to the Government regularly. It is also stated that the name of the petitioner has been entered in the Revenue Records and that he has been using a part of the land as an approach road to his land. While so, he came to know that a piece of the land which has been used by him as approach road to his land belongs to the Government and approached the fourth respondent, who confirmed the same. Thereupon, he made a representation to the second respondent

bringing to his notice all the above facts and marking the same to the third and fourth respondents and stating that he intends to purchase the said land on payment of existing market value, if he is permitted to do so. Thereafter, the fourth respondent directed the Mandal Revenue Inspector, who, in turn, submitted his report. Then, the fourth respondent submitted the said report along with a sketch to the third respondent by his proceedings, dated 06-02-2004, recommending the case of the petitioner for alienation of the land to an extent of Ac.0-11 guntas in Sy.No.383, situated at Torrur village. Based on the said recommendations, the third respondent verified the record and addressed a letter, dated 07-06-2004, to the second respondent stating that the request of the petitioner may be considered. The second respondent, in turn, by his letter, dated 28-07-2004, addressed to the first respondent recommended for the alienation in favour of the petitioner. However, the first respondent has failed to do so. However, in the meanwhile, due to local political rivalry, the Sarpanch of the Torrur village with his henchmen, highhandedly, obstructing the petitioner to enter into the land-in-question stating that the said land belongs to the Government. Hence, this writ petition.

Heard both the learned counsel and perused the material on record.

A perusal of the material placed on record goes to show that pursuant to the representation, dated 21-11-2003, submitted by the petitioner, the case of the petitioner for alienation of the land-in-question in his favour was recommended to the first respondent, who, for the reasons best known to him, has failed to take any action in that regard. In view of the same, without going into the merits of the case, I deem it appropriate to direct the first respondent to consider the representation of the petitioner.

The writ petition is accordingly disposed of directing the first respondent to consider the case of the petitioner in his

representation, dated 21-11-2003, for alienation in respect of the land-in-question as recommended by the second respondent by his letter, dated 28-07-2004, and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of the order. No costs.

(ELIPE DHARMA RAO, J)

Date:11-07-2005

ghn

To

1 The Chief Commissioner of Land Acquisition Govt. of A.P
Hyderabad.
2 The District Collector Ranga Reddy District
Saidabad, Hyderabad.
3 The Special Grade Deputy Collector and Revenue Divisional Officer
Ranga Reddy East Division.
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Torrur Village, Hayathnagar Mandal Ranga Reddy District.

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